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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,928	04/16/2001	Satoshi Kondo	2001_0440A	5443
513	7590	02/25/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			ONUAKU, CHRISTOPHER O	
2033 K STREET N. W.			ART UNIT	PAPER NUMBER
SUITE 800				
WASHINGTON, DC 20006-1021			2616	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	OK
	09/834,928	KONDO, SATOSHI	
	Examiner Christopher O. Onuaku	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-11 and 13 is/are allowed.
- 6) Claim(s) 12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/31/01 &amp; 4/6/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamauchi et al (US 6,047,103).

Regarding claim 12, Yamauchi et al disclose a data transmitting device capable of performing copyright protection processing (see Fig.2; col.13, lines 40-48, and Fig.6; col.16, lines 52-65), when digital data retrieved from the information recording medium is AV data, including a data transmitting method, a data receiving device, an information processing apparatus, and an information recording medium, comprising:

- a) data inspection means for receiving digital data, and judging whether the digital data is recordable (see Fig.5; controller 49, AV signal processor 46 and the disk reproduction drive 47; col.22, lines 27-58); and
- b) data recording means for recording the digital data on the recording medium when the data inspection means judges that the digital data is recordable, and stopping

recording of the digital data on the recording medium when the data inspection means judges that the digital data is unrecordable (see Fig.5; controller 47; recording section 44; col.22, line 59-67 and col.22, lines 33-38).

### ***Allowable Subject Matter***

3. Claims 1-11&13 are allowable over the prior art of record.
4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the invention relates to a transmitter and a recorder for receiving and then transmitting and recording digital data such as MPEG2 transport stream, which is transmitted by broadcasting, communication, or the like.

The closest references Hamaguchi et al (US 6,104,865) teach a video signal recording and/or reproducing apparatus which is capable of recording and/or reproducing both a high definition signal and a standard television signal such as an NTSC signal, and Joung et al (US 5,555,097) teach a TV-integrated digital VCR apparatus in which a digital VCR is interfaced with a high-definition television or a standard TV to record and play back data of a HDTV format or of a standard TV format.

However, Hamaguchi et al and Joung et al fail to explicitly disclose a recorder, where the recorder comprises format conversion means for receiving a first analog signal obtained by decoding the first digital data, and format-converting the first analog signal into a second analog signal when the judgment means judges that the first digital data is unrecordable or unreproducible after recording, and switching means for

receiving the second or third digital data as well as the first digital data, and outputting the first digital data when the judgment means judges that the first digital data is recordable or reproducible after recording, while outputting the second or third digital data when the judgment means judges that the first digital data is unrecordable or unreproducible after recording.

Regarding claim 3, the invention relates to a transmitter and a recorder for receiving and then transmitting and recording digital data such as MPEG2 transport stream, which is transmitted by broadcasting, communication, or the like.

The closest references Hamaguchi et al (US 6,104,865) teach a video signal recording and/or reproducing apparatus which is capable of recording and/or reproducing both a high definition signal and a standard television signal such as an NTSC signal, and Joung et al (US 5,555,097) teach a TV-integrated digital VCR apparatus in which a digital VCR is interfaced with a high-definition television or a standard TV to record and play back data of a HDTV format or of a standard TV format.

However, Hamaguchi et al and Joung et al fail to explicitly disclose a recorder, where the recorder comprises data conversion means for converting the first digital data into recordable second digital data when the judgment means judges that the first digital data is unrecordable, and switching means for receiving the first and second digital data, and outputting the first digital data when the judgment means judges that the first digital data is recordable, while outputting the second digital data when the judgment means judges that the first digital data is unrecordable.

Regarding claim 5, the invention relates to a transmitter and a recorder for receiving and then transmitting and recording digital data such as MPEG2 transport stream, which is transmitted by broadcasting, communication, or the like.

The closest references Hamaguchi et al (US 6,104,865) teach a video signal recording and/or reproducing apparatus which is capable of recording and/or reproducing both a high definition signal and a standard television signal such as an NTSC signal, and Joung et al (US 5,555,097) teach a TV-integrated digital VCR apparatus in which a digital VCR is interfaced with a high-definition television or a standard TV to record and play back data of a HDTV format or of a standard TV format.

However, Hamaguchi et al and Joung et al fail to explicitly disclose a recorder, where the recorder comprises data conversion means for converting the first digital data into second digital data that is reproducible after recording, when the judgment means judges that the first digital data is unrecordable after recording, and switching means for receiving the second and second digital data, and outputting the first digital data when the judgment means judges that the first digital data is reproducible, while outputting the second digital data when the judgment means judges that the first digital data is unrecordable.

Regarding claim 7, the invention relates to a transmitter and a recorder for receiving and then transmitting and recording digital data such as MPEG2 transport stream, which is transmitted by broadcasting, communication, or the like.

The closest references Hamaguchi et al (US 6,104,865) teach a video signal recording and/or reproducing apparatus which is capable of recording and/or reproducing both a high definition signal and a standard television signal such as an NTSC signal, and Joung et al (US 5,555,097) teach a TV-integrated digital VCR apparatus in which a digital VCR is interfaced with a high-definition television or a standard TV to record and play back data of a HDTV format or of a standard TV format.

However, Hamaguchi et al and Joung et al fail to explicitly disclose a transmitter, where the transmitter comprises decoding means for decoding the digital data into a first analog signal, when it is judged that the digital data is unrecordable or unreproducible after recording by the recorder, on the basis of the result of the inquiry from the system control means, and format conversion means for converting the first analog signal into a second analog signal of a data format that is recordable by the recorder or reproducible after recording, wherein, the decoding means outputs the first analog signal or the format conversion means outputs the second analog signal, when it is judged that the digital data is unrecordable or unreproducible after recording by the recorder, on the basis of the result of the inquiry from the system control means.

Regarding claim 8, the invention relates to a transmitter and a recorder for receiving and then transmitting and recording digital data such as MPEG2 transport stream, which is transmitted by broadcasting, communication, or the like.

The closest references Hamaguchi et al (US 6,104,865) teach a video signal recording and/or reproducing apparatus which is capable of recording and/or

reproducing both a high definition signal and a standard television signal such as an NTSC signal, and Joung et al (US 5,555,097) teach a TV-integrated digital VCR apparatus in which a digital VCR is interfaced with a high-definition television or a standard TV to record and play back data of a HDTV format or of a standard TV format.

However, Hamaguchi et al and Joung et al fail to explicitly disclose a transmitter, where the transmitter comprises data conversion means for converting the first digital data into a second digital data of a recordable format, when it is judged that the digital data is unrecordable by the recorder, on the basis of the result of the inquiry from the system control means, and data transmission means for receiving the first and second digital data, and outputting the first digital data when it is judged that the first digital data is recordable by the recorder on the basis of the result of the inquiry from the system control means, while outputting the second digital data when it is judged that the digital data is unrecordable by the recorder on the basis of the result of the inquiry.

Regarding claim 10, the invention relates to a transmitter and a recorder for receiving and then transmitting and recording digital data such as MPEG2 transport stream, which is transmitted by broadcasting, communication, or the like.

The closest references Hamaguchi et al (US 6,104,865) teach a video signal recording and/or reproducing apparatus which is capable of recording and/or reproducing both a high definition signal and a standard television signal such as an NTSC signal, and Joung et al (US 5,555,097) teach a TV-integrated digital VCR

apparatus in which a digital VCR is interfaced with a high-definition television or a standard TV to record and play back data of a HDTV format or of a standard TV format.

However, Hamaguchi et al and Joung et al fail to explicitly disclose a transmitter, where the transmitter comprises data conversion means for converting the first digital data into second digital data of a data format that is reproducible after recording by the recorder, when it is judged that the digital data is unreproducible after recording, on the basis of the result of the inquiry from the system control means, and data transmission means for receiving the first and second digital data, and outputting the first digital data when it is judged that the first digital data is reproducible after recording by the recorder on the basis of the result of the inquiry from the system control means, while outputting the second digital data when it is judged that the digital data is unreproducible after recording by the recorder on the basis of the result of the inquiry.

Regarding claim 13, the invention relates to a transmitter and a recorder for receiving and then transmitting and recording digital data such as MPEG2 transport stream, which is transmitted by broadcasting, communication, or the like.

The closest references Hamaguchi et al (US 6,104,865) teach a video signal recording and/or reproducing apparatus which is capable of recording and/or reproducing both a high definition signal and a standard television signal such as an NTSC signal, and Joung et al (US 5,555,097) teach a TV-integrated digital VCR apparatus in which a digital VCR is interfaced with a high-definition television or a standard TV to record and play back data of a HDTV format or of a standard TV format.

However, Hamaguchi et al and Joung et al fail to explicitly disclose a recorder, where the recorder comprises data conversion means for converting the digital data into second digital data of a recordable format, when the judgment means judges that the first digital data is unrecordable, and switching means for receiving the first and second digital data, and outputting the first digital data when the judgment means judges that the first digital data is unrecordable, while outputting the second digital data when the judgment means judges that the digital data is unrecordable.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsumi et al (US 6,711,343) teach a data recording/reproducing apparatus for recording/reproducing digital video and audio stream data as files.

Ohara et al (US 6,763,174) a reference signal necessary to display a state of the image recording and reproducing apparatus in a picture and operation method of the image recording and reproducing apparatus.

Kim et al (US 6,014,492) teach a video signal recording and reproducing apparatus for a digital video cassette tape recorder which is capable of judging the transmission amount of the digital video data inputted from a digital video source, the type of the video tape, and whether or not the tape is recorded in accordance with the judgment result, thus automatically controlling a recording mode and a reproducing mode.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
COO

2/18/05

  
ROBERT CHEVALIER  
PRIMARY EXAMINER